

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRETT M. TOWNSEND]	
Plaintiff,]	
]	
v.]	No. 3:11-0222
]	Judge Trauger
ROBERT IRVIN, et al.]	
Defendants.]	

M E M O R A N D U M

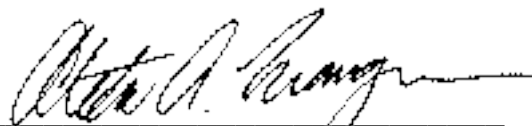
The plaintiff, proceeding *pro se*, is an inmate at the West Tennessee State Penitentiary in Henning, Tennessee. He brings this action pursuant to 42 U.S.C. § 1983 against Robert Irvin, Executive Director of the Tennessee Board of Probation and Paroles; and five employees of the Board; seeking declaratory, injunctive and monetary relief.

The complaint recites in depth how the defendants violated the plaintiff's right to due process from 2005 - 2008 by denying him procedures provided for in the rules and regulations of the Tennessee Department of Probation and Paroles.

The complaint arrived in the Clerk's Office on March 10, 2011. The plaintiff's claims arose no later than 2008. Thus, it appears that this action is time-barred by the one year statute of limitations imposed upon civil rights claims brought in Tennessee. Merriweather v. City of Memphis, 107 F.3d 396, 398 (6th Cir.1997).

Nothing in the complaint suggests that the statute should be tolled so as to permit the untimely filing of the complaint. The Court, therefore, concludes that the plaintiff has failed to state a claim upon which relief can be granted because this action is untimely. Dellis v. Corrections Corp. of America, 257 F.3d 508, 511 (6th Cir.2001) (*sua sponte* dismissal of an untimely prisoner complaint is appropriate). Under such circumstances, the Court is obliged to dismiss the complaint. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.



Aleta A. Trauger
United States District Judge